

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

EARLENE CARR,

Plaintiff,

v.

OGNJEN MILANOVIC, HL MOTOR GROUP, INC., HIGHLIGHT MOTOR FREIGHT USA, INC., OLD REPUBLIC INSURANCE COMPANY, and GALLAGHER BASSET SERVICES, INC.,

Defendants.

CASE NO. 5:22-CV-00782-JD

**BRIEF IN SUPPORT OF MOTION FOR RELIEF OF LOCAL RULE 83.3(A)**

Pursuant to LCvR 83.3(c), Defendants Ognjen Milanovic, HL Motor Group, Inc. Highlight Motor Freight USA, Inc., Old Republic Insurance Company, and Gallagher Basset Services, Inc., (“Defendants”) move for leave to proceed without local counsel as defined in LCvR 83.3(a). Defendants state that their counsel Jeremy Schrag (“Counsel”) has special qualifications and familiarity with local practice that negates the need for local residential counsel as defined in LCvR 83.3(a).

I. Legal Standards

This Court’s rules require an out-of-state attorney to facilitate with counsel who both resides and maintains an office in Oklahoma. LCvR 83.3(a). “Relief from this rule is within the court’s discretion upon motion establishing financial hardship, special

qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the local civil court rules.” LCvR 83.3(c).

II. Counsel’s Professional History

Counsel has been licensed to practice law since 2009. After serving as a law clerk to Chief Justice Nuss of the Kansas Supreme Court, Counsel began private practice in Wichita, Kansas in 2013. Currently, Counsel is a partner with Lewis Brisbois Bisgaard & Smith LLP. Counsel’s professional office is in Wichita, Kansas and his personal residence is near Wichita, Kansas. Counsel is admitted to practice in the following state and federal courts: Tenth Circuit Court of Appeals (July 11, 2016), Kansas (September 25, 2009), District of Kansas (April 29, 2013), Oklahoma (April 6, 2018), Western District of Oklahoma (May 22, 2018), Northern District of Oklahoma (June 25, 2018), Eastern District of Oklahoma (August 20, 2019), Missouri (December 7, 2017), Western District of Missouri (January 8, 2018), and the Eastern District of Missouri (January 11, 2018).

III. Counsel’s Out-of-State Location Is Similar In Distance To Many of This Court’s Rural Counties

Besides overseeing some of Oklahoma’s most populated counties, this Court’s venue includes many of Oklahoma’s rural counties including Tillman, Ellis, Harper, Beaver, Cimarron, Woodward, Jackson, and Harmon. Oklahoma licensed attorneys residing in these rural counties are eligible to serve as local counsel under LCvR 83.3(a). For many of the rural counties in this Court’s venue, it takes approximately two to three hours to travel to this Court’s courthouse. Likewise, it takes Counsel approximately two and a half hours to travel to the United States Courthouse for the Western District of

Oklahoma. The travel time from Wichita, Kansas to Oklahoma City is similar to a travel time for many of the counties the Western District serves .

**IV. Since Being Admitted, Counsel Has Maintained An Active Practice Before this Court**

Since admitted to practice law in Oklahoma, Counsel has entered his appearance in over forty Oklahoma state court cases. With regards to federal practice, Counsel has entered in the following cases:

|                 |  |                                 |
|-----------------|--|---------------------------------|
| 6:2019-cv-00204 | Sullivan et al v. Gandhi et al                             | Oklahoma Eastern District Court |
| 6:2021-cv-00026 | Youngblood et al v. Lowe's Home Centers, LLC               | Oklahoma Eastern District Court |
| 5:2020-cv-00101 | Martinez v. Lowe's Home Centers LLC                        | Oklahoma Western District Court |
| 5:2017-cv-00755 | Tate v. Greyhound Lines Inc                                | Oklahoma Western District Court |
| 5:2018-cv-00135 | Marchant et al v. Palm Harbor Homes Inc et al              | Oklahoma Western District Court |
| 5:2018-cv-00569 | Hardman v. The Pep Boys Manny Moe and Jack of Delaware Inc | Oklahoma Western District Court |
| 5:2019-cv-00547 | Wilson v. Lowe's Home Centers LLC                          | Oklahoma Western District Court |
| 5:2019-cv-00487 | Boomer Environmental LLC v. Tiger Logistics Inc            | Oklahoma Western District Court |
| 5:2019-cv-00877 | Linn v. Lowe's Companies Inc et al                         | Oklahoma Western District Court |
| 5:2020-cv-00046 | Seaton v. Lowes Home Centers LLC                           | Oklahoma Western District Court |
| 5:2019-cv-00938 | HPH Investors LP v. Certain Underwriters at Lloyd's London | Oklahoma Western District Court |
| 5:2020-cv-00393 | Stahlman v. Lowe's Companies Inc et al                     | Oklahoma Western District Court |
| 5:2020-cv-00522 | Mitchell v. Lowe's Home Centers LLC                        | Oklahoma Western District Court |

|                 |   |                                  |
|-----------------|---|----------------------------------|
| 5:2020-cv-00882 | Hawkins v. Lowe's Home Centers LLC                      | Oklahoma Western District Court  |
| 5:2021-cv-00106 | Clyburn v. Lowe's Home Centers LLC et al                | Oklahoma Western District Court  |
| 5:2021-cv-00115 | Pier Drillers Inc v. Freight Logistics Inc et al        | Oklahoma Western District Court  |
| 5:2021-cv-00619 | Irvin v. GMRI Inc et al                                 | Oklahoma Western District Court  |
| 5:2021-cv-00711 | Meli v. In-Rel Properties Inc et al                     | Oklahoma Western District Court  |
| 5:2022-cv-00657 | Burgundy Lane Llc v. Federated Mutual Insurance Company | Oklahoma Western District Court  |
| 4:2018-cv-00638 | Davidson v. Lowe's Home Centers, Inc.                   | Oklahoma Northern District Court |
| 4:2019-cv-00505 | Whitlow et al v. Lowe's Home Centers, LLC et al         | Oklahoma Northern District Court |
| 4:2020-cv-00075 | Pucket v. General Motors, LLC                           | Oklahoma Northern District Court |
| 4:2021-cv-00403 | Dilbeck v. Instant Brands, Inc.                         | Oklahoma Northern District Court |
| 4:2021-cv-00486 | Banda v. Collins et al                                  | Oklahoma Northern District Court |

While Counsel has not tried a case in this Court, Counsel has done nearly everything else. Counsel has removed multiple cases to this Court, attended status conferences in person and telephonically, filed dispositive and *Daubert* motions, participated in in-person settlement conferences with Magistrate Judges, and filed jury instructions, witness lists, and motions in limine. Counsel is familiar with the litigation process in this Court. Also, in each of the above listed cases, Counsel has affiliated with local counsel, usually Mr. Andrew Gunn of Durbin, Larimore, and Bialick. Counsel greatly appreciates Mr. Gunn's

assistance. Mr. Gunn was instrumental in making introductions to court personnel and providing insight regarding this Court's customs and practices.

Finally, Counsel was granted relief from LCvR 83.3 in *Lundy v. HL Motor Group Inc et al*, Case No. 22-cv-00699-F, Doc. 10. *Lundy* is a companion case to this lawsuit and to *Farmers Mutual Fire Insurance Company of Okarche v. HL Motor Group, Inc.*, Case No. 22-CV-00752-D.

V. Certification and Conclusion

Counsel certifies pursuant to Rule LCvR 83.3(c) that he is familiar with local rules and customs and will fulfill all local counsel requirements as stated in LCvR 83.3(b). Defendants request leave to proceed without local residential counsel.

/s/ Jeremy K. Schrag

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*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 13, 2022, I filed the above Brief in Support of Motion for Relief of Local Rule 83.3(A) using the Court's electronic filing system which will send notice to all counsel of record and also sent a copy by electronic mail to:

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*Attorney for Plaintiff*

/s/ Jeremy K. Schrag  
Jeremy K. Schrag